

ORDINANCE NO. 12-32

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW AN LED WALL SIGN ON PROPERTY ZONED INDUSTRIAL OUTSIDE THE GEOGRAPHIC AREA WHERE LED SIGNS ARE PERMITTED, CONTRA TO HIALEAH CODE §§ 74-149 (b). **PROPERTY LOCATED AT 7125-7145 WEST 20 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of April 25, 2012, recommended approval of this ordinance, and

WHEREAS, the applicant proffered to enhance and improve the front parking area, including improvements to landscaping on the property, prior to the installation of the sign, to enhance and improve the rear parking area and dumpster enclosure within one year from the adoption of the ordinance; and

WHEREAS, the applicant proffered a declaration of restrictive covenants restricting the signs to be displayed to fixed, static signs of the businesses currently licensed to operate at the location with each sign's display lasting at least two minutes, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow an LED wall sign on property zoned industrial outside the geographic area where LED signs are permitted, contra to Hialeah Code §§ 74-149(b) which provides in pertinent part: "*Geographic area.* The LED regulations are limited to a geographic area comprising of three distinct areas: (1) properties fronting West 49 Street, from the west side of West 4 Avenue to West 20 Avenue; (2) properties fronting West 16 Avenue, from Okeechobee Road to West 49 Street; and (3) properties fronting Okeechobee Road, on

the northern side, from West 16 Avenue to West 20 Avenue.” Property located at 7125-7145 West 20 Avenue, Hialeah, Miami-Dade County, Florida, zoned M-1 (Industrial District), and legally described as follows:

A PORTION OF TRACTS 17 AND 18 OF CHAMBERS LAND COMPANY SUBDIVISION, OF SW ¼ OF SECTION 26, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, AT PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE AT THE INTERSECTION OF THE NORTH LINE OF TRACT 17, AT A POINT OF 150 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF SAID SECTION 26; THENCE RUN SOUTH PARALLEL TO AND 150 EAST, OF AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF SAID SECTION 26 FOR 369.02 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE RUN S 87°46'52" E PARALLEL TO THE NORTH LINE OF SAID TRACT 17 FOR 395.27 FEET TO A POINT; THENCE RUN NORTH PARALLEL TO THE WEST LINE OF SAID SECTION 26 FOR 228 FEET TO A POINT, THENCE RUN N 87°46'52" W PARALLEL TO THE NORTH LINE OF SAID TRACT 17 FOR 395.27 FEET TO A POINT; THENCE RUN SOUTH PARALLEL TO THE WEST LINE OF SAID SECTION 26 FOR 228 FEET TO THE POINT OF BEGINNING.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having

jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

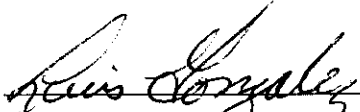
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.


PASSED and ADOPTED this 12th day of June, 2012.


THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Luis Gonzalez
Council Vice President

Attest:

Approved on this 18 day of JUNE, 2012.


David Concepcion, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney